IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

–

WRIT PETITION NO : 23013 of 2004

Between:

Y.Srinivasulu, S/o. Y. Narayana Reddy,
R/o. 22/57(3), Nagalakatta Street, Jammalamadugu,
Kadapa District.

..... PETITIONER

AND

1 The Andhra Pradesh State Road, Transport

Corporation, represented by its Chairman &
Managing Director, Musheerabad, Hyderabad.
2 The Andhra Pradesh State Road, Transport

Corporation, represented by its
Regional Manager, Kadapa Region,

Kadapa, Kadapa District.
3 The Andhra Pradesh State Road,

Transport Corporation, represented by its
Depot Manager, Pulevendla Depot,

Pulivendla, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be

pleased to issue an order or direction or Writ particularly one in the nature of Writ of Mandamus, declaring the action of the respondents by its proceedings No. PA/20A(25)/04-RM 'C' dated 01-11-2004, is wholly illegal, arbitrary illegal, arbitrary and unjust and contrary to law and also violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to reinstate the petitioner into his service with full Back wages and with all other attendant benefits and with continuity of service pass such other order or orders.

Counsel for the Petitioner:MS.B.MALLESWARI

Counsel for the Respondent No.: MR.P.VINAYAKA SWAMY

The Court made the following :

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O R D E R:

The petitioner was charge-sheeted on 17-03-2004 for certain irregularities said to have been committed by him. The second respondent after conducting enquiry, ordered for removal. Thereafter, the petitioner carried the matter in appeal and the appellate authority has confirmed the order of removal and the review appeal of the petitioner was rejected by the first respondent by proceedings dated 01.11.2004. Hence the writ petition.

2. Learned counsel for the petitioner contended that under Regulation 30 of A.P.S.R.T.C.Employees' (Classification Control and Appeal) Regulations, 1967, an Appeal-cum-Mercy Petition dated 15-12-2004 is filed before the first respondent and since said petition has not been considered, he seeks for appropriate directions.

3. On the other hand, the learned Standing Counsel for the respondents opposed the same on the ground that the petitioner has to approach the Labour Court.

4. The facts of the case are not in dispute. While the petitioner was conducting the bus on route Giddangivaripalli-Vempalli Service on 17-03-2004, a check has

been exercised and it was found that certain irregularities had been committed and hence, a charge memo dated 17-03-2004 was issued to him. After conducting enquiry, the petitioner was removed from service by the Disciplinary Authority. The appeal as well as the review has been dismissed. Hence, the petitioner filed appeal-cum-mercy petition before the first respondent on 15-12-2004. The grievance of the petitioner is that the said petition has not been considered by the first respondent.

5. Under Regulation 30 of A.P.S.R.T.C. Employees' (CC&A) Regulations, 1967, notwithstanding anything contained in these Regulations, the Board or any authority specified by it on its behalf, may on its own motion or otherwise after calling for records of the case, review any order which is made or is appealable under these Regulations.

6. The first respondent has to take appropriate decisions in accordance with the Rules and Regulations of the Corporation. Therefore, I deem it appropriate to direct the first respondent to pass appropriate orders on the appeal-cum-mercy dated 15-12-2004 within a period of six weeks from the date of receipt of a copy of this order.

7. With the above observation, the Writ Petition is disposed of. No costs.

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22-12-2004

Prv

To

1 The Chairman and Managing Director,

Andhra Pradesh State Road Transport

Corporation, Musheerabad, Hyderabad.

2 The Regional Manager,

Andhra Pradesh State Road Transport

Corporation, Kadapa Region,

Kadapa, Kadapa District.

3 The Depot Manager,

Andhra Pradesh State Road,

Transport Corporation, Pulevendla Depot,

Pulivendla, Kadapa District.

4 Two CD copies.